

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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TRAVEL SENTRY, INC.,

Plaintiff,

-against-

DAVID A. TROPP,

Defendant.

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DAVID A. TROPP,

Plaintiff,

-against-

CONAIR CORPORATION, et al.,

Defendants.

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ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:

By order dated November 19, 2019, the Honorable Eric N. Vitaliano referred the following to the undersigned magistrate judge, for report and recommendation: the motions filed by Travel Sentry, Inc. and defendants in the second-filed case for summary judgment and to strike the expert submissions and exhibits filed by David Tropp in opposing the motions for summary judgment. See Order Referring Motion (Nov. 19, 2019).

Under Rule 53 of the Federal Rules of Civil Procedure, the court may appoint a special master, even without the consent of the parties. See Hartford Fire Ins. Co. v. Progressive Corp., Case No.:1:12 CV 2444, 2013 WL 12137765, at *2-*3 (N.D. Ohio Oct. 9, 2013).

“Masters can properly aid the court in evaluating issues of patent validity and infringement in

MEMORANDUM AND ORDER

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the context of motions for summary judgment.” Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1566 (Fed. Cir. 1988). This Court believes that a special master with expertise in patent matters will substantially aid the Court in issuing rulings and is likely to contribute toward a more efficient resolution of the pending motions. The Court is thus prepared to appoint a special master (with input from the parties as to the person so selected), pursuant to an order directing the special master to proceed with all reasonable diligence.

In accordance with Rule 53(b)(1), the Court hereby gives the parties notice of the Court’s intent to appoint a special master and an opportunity to be heard. Specifically, any party objecting to such an order must state its reasons, in writing, by December 5, 2019, in letters not exceeding three pages.

SO ORDERED.

**Dated: Brooklyn, New York
December 2, 2019**

Roanne L. Mann

**ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE**